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## 1 2 3 4 5 IN THE UNITED STATES DISTRICT COURT 6 FOR THE NORTHERN DISTRICT OF CALIFORNIA 7 8 9 WAYMO LLC, No. C 17-00939 WHA 10 Plaintiff, 11 **QUESTIONS FOR HEARING** v. ON PLAINTIFF'S MOTION 12 FOR PROVISIONAL RELIEF UBER TECHNOLOGIES, INC., et al., 13 Defendants. **UNDER SEAL** 14

At the hearing tomorrow, both sides should please be prepared to succinctly address the following questions with copies of relevant case law or documents in the record highlighted and ready to hand up to the judge, as well as extra copies for opposing counsel.

1.	How detailed is the		design that Waymo clair	ms as a trade secret?	
For example, does Waymo claim trade secret protection over any LiDAR design that					
uses a	any			Or does it claim	
only the specific design used in GBr3, including the					
	that Waymo				

2. If you want the LiDAR points of illumination along a roadway to land at evenly spaced intervals along said roadway (e.g., every ten feet from ten feet to 110 feet), wouldn't you, simply as a matter of optics, have to variably space the diodes on the printed circuit board?

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3. How is a superior to any other ? Where					
in the record does Waymo supply evidence concerning the specific effects of					
4. What are the standard practices, if any, in the LiDAR field for distributing 64					
diodes across multiple printed circuit boards?					
5. How, if at all, does Fuji's configuration of two 32-diode transmit blocks					
specifically map on to GBr3's configuration of					
example, do each of the printed circuit boards within each configuration serve					
comparable functions in their respective LiDAR systems? Does the patent law doctrine					
of equivalents have an equivalent in trade secret law?					
6. Does Velodyne or any other company manufacture or commercialize LiDAR					
systems using any of Waymo's purported trade secrets? For example, is the					
configuration used by any other company? Has Waymo's use					
of this configuration or any other asserted trade secret been disclosed to any public					
agency? Under the law, could anything actually used by other companies be deemed a					
trade secret by Waymo?					
7. Even if defendants themselves have not misappropriated any trade secrets, can					
they still be held liable for misappropriation by Levandowski that was never used for					
their benefit?					
8. If Waymo shows that Levandowski misappropriated trade secrets but fails to					
further show that defendants did so, would it be enough, to show likelihood of success					
and irreparable injury, that defendants knowingly employed an executive who					
misappropriated trade secrets and who remains in a position to misuse said secrets for					
defendants' benefit? Please provide case law on point.					
9. Does an accounting as part of provisional relief require a finding of irreparable					
injury? (An accounting, as used in this question, would be an order to defendants to					
conduct a thorough company-wide investigation and to itemize every use or					
communication concerning specific alleged trade secrets and involving Levandowski.)					

10. If the Court adopts defendants' recusal plan for Levandowski, will defendants further consent to a mandatory reporting provision requiring their employees to report violations of said plan to the general counsel and thence to the Court and the parties?

\* \* \* \*

Answers to the foregoing questions must be limited to the motion record where possible.

These questions will all be orally discussed, time permitting, but each side may also respond with a written submission up to **TEN PAGES** in length (double spaced, size 12 font, with no footnotes or attachments) by **11:00 P.M. TONIGHT**. Please redact only truly secret material.

This order shall remain under seal in its entirety until MAY 3 AT 11:00 P.M. and then shall be made public unless either side SHOWS CAUSE in writing why any specific portions warrant continued sealing.

## IT IS SO ORDERED.

Dated: May 2, 2017.

UNITED STATES DISTRICT JUDGE